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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,366	10/15/2003	Anne Marie Razza	113402-306	9270
26689 7590 03/22/2007 WILDMAN HARROLD ALLEN & DIXON 225 WEST WACKER DRIVE, SUITE 2800 CHICAGO, IL 60606			EXAMINER JOSEPH, TONYA S	
			ART UNIT 3628	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/687,366

Applicant(s)

RAZZA ET AL.

Examiner

Tonya Joseph

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 29 is/are pending in the application.
- 4a) Of the above claim(s) 21-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 21-28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/15/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-20 and 29, drawn to a method of identifying a plurality of alternate travel itineraries, classified in class 705, subclass 1.
 - II. Claims 21-28, drawn to a method of displaying fares for a plurality of travel itineraries, classified in class 705, subclass 1.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the method of searching for required travel itineraries does not require the details of displaying fares. The subcombination has separate utility such as displaying travel itineraries related to rail or cruise itineraries.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in

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accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Greg Smith on March 8th 2007, a provisional election was made without traverse to prosecute the invention of Group I, claims 1-20 and 29. Affirmation of this election must be made by applicant in replying to this Office action. Claims 21-28 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The term "flexible travel requirements" in claims 1, 3, 7, 9, 12, and 29 is a relative term which renders the claim indefinite. The term "flexible" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For Examination purposes, Examiner is interpreting "flexible" to be travel requirements with open-ended date constraints.

8. Claims 2, 6, 8, 10-11 and 13-28 contain the same deficiencies as claim 1 through dependency and as such, are rejected for the same reasons.

9. Claim 13 further recites the limitation, "where at least one of said one or more departure dates and said one or more return dates comprises a plurality of dates." It is unclear how one date can comprise more than one date. It is further unclear whether one or more departure dates and said one or more return dates comprising a plurality of dates is an attempt **to exclude** same day departure and return dates; i.e. arrive May 10, 2007 and depart May 10, 2007. For Examination purposes, Examiner is interpreting one

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departure date comprises one date and two or more departure dates comprises a plurality of dates.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-6, 9-16, 19-20 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Daughtrey et al. US Pre Grant Publication No. 2004/0078252 A1.

12. As per Claim 1, Daughtrey teaches receiving a set of flexible travel requirements (see para. 25; para. 35 and Fig. 2); determining all pairs of departure and return dates that satisfy the flexible travel requirements(see para. 34 lines 3-5; Fig. 2 and para. 35 lines 1-3); identifying and displaying fares for itineraries corresponding to each of the departure and return date pairs (see para. 46; para. 45 lines 1-5 and Figs. 4 & 5).

13. As per Claim 2, Daughtrey teaches the method of claim 1 as described above. Daughtrey further teaches wherein the itineraries are air travel itineraries (see para. 22 lines 3-6).

14. As per Claim 3, Daughtrey teaches the method of claim 1 as described above. Daughtrey further teaches wherein the set of flexible travel requirements

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comprises a date interval during which a weekend trip is desired (see para. 33 lines 1-7).

15. As per Claim 4, Daughtrey teaches the method of claim 3 as described above. Daughtrey further teaches wherein a weekend trip is defined as a Thursday, Friday or Saturday departure and a Sunday, Monday or Tuesday return (see para. 33 lines 2-5, Examiner interpreting a Friday or Saturday departure with a stay of 1 or 2 nights as having a Sunday, Monday or Tuesday return).

16. As per Claim 5, Daughtrey teaches the method of claim 4 as described above. Daughtrey further teaches wherein the step of determining all pairs of departure and return dates comprises identifying all weekends that occur during the date interval, and pairing each possible departure date associated with each possible return date for the corresponding weekend for each weekend that occurs within the date interval (see para. 37 lines 1-4; para. 46 and Fig. 4).

17. As per Claim 6, Daughtrey teaches the method of claim 5 as described above. Daughtrey further teaches wherein the date interval comprises a calendar month (see Fig. 4 and para. 33 lines 10-18).

18. As per Claim 9, Daughtrey teaches the method of claim 1 as described above. Daughtrey further teaches wherein the step of receiving a set of flexible travel requirements comprises receiving a date interval and a trip length (see para. 25 lines 1-5; para. 31 lines 5-15 and Fig. 2).

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19. As per Claim 10, Daughtrey teaches the method of claim 9 as described above.

Daughtrey further teaches wherein said date interval is a first date and a second date (see para. 25 lines 1-5).

20. As per Claim 11, Daughtrey teaches the method of claim 9 as described above.

Daughtrey further teaches wherein said trip length is expressed as a numerical value or a numerical range setting forth the desired length of the trip in days (see para. 33 lines 2-5 and 12-18 and Fig. 2).

21. As per Claim 12, Daughtrey teaches the method of claim 9 as described above.

Daughtrey further teaches wherein the step of identifying all pairs of departure and return dates that satisfy the flexible travel requirements comprises determining all possible departure dates and all return dates within the date interval that encompasses a trip of the received trip length (see para. 35 lines 1-16 and para. 36).

22. As per Claim 13, Daughtrey teaches identifying one or more departure dates and

one or more return dates, where at least one of said one or more departure date and

said one or more return dates comprises a plurality of dates (see para. 25; para. 30 and

Fig. 2); identifying a plurality of date pairs each date pair comprising one of said one or

more departure dates and one of said one or more return dates (see para. 34 lines 3-5;

Fig. 2 and para. 35 lines 1-3); searching for fares for itineraries corresponding to each

date pair; and displaying said fares (see para. 35 lines 3-10; para. 46; para. 47 lines 1-5

and Figs. 4 & 5).

23. As per Claim 14, Daughtrey teaches the method of claim 13 as described above.

Daughtrey further teaches wherein the step of identifying one or more departure dates

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and one or more return dates further comprises identifying every weekend within a defined date range, and identifying at least one departure date and at least one return date for each weekend (see para. 35 lines 7-10; para. 37 lines 1-6; para. 46 and Figs. 4 & 5).

24. As per Claim 15, Daughtrey teaches the method of claim 13 as described above. Daughtrey further teaches wherein identifying at least one departure date for each weekend comprises identifying a date corresponding to at least one of Thursday, Friday and Saturday of each weekend within said defined date range and identifying at least one return date comprises identifying a date corresponding to at least one of Sunday, Monday and Tuesday of each weekend within said defined date range (see para. 33 lines 2-5, Examiner interpreting a Friday or Saturday departure with a stay of 1 or 2 nights as having a Sunday, Monday or Tuesday return).

25. As per Claim 16, Daughtrey teaches the method of claim 13 as described above. Daughtrey further teaches wherein said defined date range is a calendar month (see para. 33 lines 12-18 and para. 34 lines 3-5).

26. As per Claim 19, Daughtrey teaches the method of claim 13 as described above. Daughtrey further teaches wherein the step of identifying one or more departure dates and one or more return dates includes receiving a range of dates and receiving a specified trip length (see para. 25 lines 2-5; para. 31 lines 5-15 and Fig. 2), wherein the at least one departure date is identified as every date within said date range which can accommodate a trip of the specified trip length within said date range (see para. 25 lines 2-5 and para. 31 lines 5-12).

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27. As per Claim 20, Daughtrey teaches the method of claim 13 as described above. Daughtrey further teaches wherein the step of identifying one or more departure dates and one or more departure dates and one or more return dates includes receiving a range of dates and receiving a specified trip length (see para. 25 lines 2-5; para. 31 lines 5-15 and Fig. 2), wherein the at least one return date is identified as every date within said date range which can accommodate a trip of the specified trip length within said date range (see para. 25 lines 2-5 and Figs. 4 & 5).

28. As per Claim 29, Daughtrey teaches, means for receiving a set of flexible travel requirements (see para. 22 and para. 24); means for determining all pairs of departure and return dates that satisfy the flexible travel requirements (see para. 35 lines 2-10); search means for identifying itineraries corresponding to said date pairs (see para. 35 lines 1-10).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 7-8 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daughtrey et al. US Pre-Grant Publication No. 2004/0078252 A1 in view of Keller et al. U.S. Patent No. 6,304,850 B1.

31. As per Claim 7, Daughtrey teaches the method of claim 1 as described above. Daughtrey further teaches, wherein the step of receiving a set of flexible travel

requirements comprises receiving a desired departure date and a desired return date (see para. 25 lines 2-5 and Fig. 2); Daughtrey does not explicitly teach and receiving at least one of a specified number of days preceding said desired departure date, a specified number of days following said departure date; a specified number of days preceding said desired return date, and a specified number of days following said desired return date. Keller teaches, at step 105, the user may indicate whether her travel plans are flexible, such that the user may depart or return from one to three days before or after the entered travel dates. If the user's plans are flexible, the user will indicate whether the flexibility is respect to the date of departure or date of return, and will indicate the number of days either before or after the inputted date of travel. (see Col. 3 lines 21-30). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Daughtrey to include receiving at least one of a specified number of days preceding said desired departure date, a specified number of days following said departure date; a specified number of days preceding said desired return date, and a specified number of days following said desired return date in order to allow a user to enter the level of flexibility in their plans, as taught in Keller Col. 3 lines 1-3.

32. As per Claim 8, Daughtrey teaches the method of claim 1 as described above. Daughtrey further teaches wherein the step of determining all pairs of departure and return dates satisfying said flexible travel requirements comprises identifying all possible departure dates based on the desired departure date and the specified number of acceptable days preceding the desired departure date and the number of acceptable

travel days following said desired departure date; identifying all possible return dates based on the desired return date and the specified number of acceptable travel days preceding the desired return date and the number of acceptable travel days following the desired return date; and pairing each possible departure date with each possible return date. Keller teaches, at step 105, the user may indicate whether her travel plans are flexible, such that the user may depart or return from one to three days before or after the entered travel dates. If the user's plans are flexible, the user will indicate whether the flexibility is respect to the date of departure or date of return, and will indicate the number of days either before or after the inputted date of travel. If the user is not flexible, the user will enter "not flexible" in the appropriate line on the web page. and at step 107, the user requests the booking server to initiate a search for a flight meeting the entered information, which is at or below the user's indicated target price (see Col. 3 lines 21-30 and 32-35). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Daughtrey to include the method of Keller in order to allow a user to book a flight based on their specified preferences, as taught in Keller Col. 3 lines 39-42 and 48-53).

33. As per Claim 17, Daughtrey teaches the method of claim 13 as described above. Daughtrey does not explicitly teach wherein the step of identifying one or more departure dates and one or more return dates includes receiving a specified departure date and a range of days preceding and/or following said specified departure date. Keller teaches, at step 105, the user may indicate whether her travel plans are flexible, such that the user may depart or return from one to three days before or after the

entered travel dates. If the user's plans are flexible, the user will indicate whether the flexibility is respect to the date of departure or date of return, and will indicate the number of days either before or after the inputted date of travel. If the user is not flexible, the user will enter "not flexible" in the appropriate line on the web page (see Col. 3 lines 21-30). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Daughtrey to include wherein the step of identifying one or more departure dates and one or more return dates includes receiving a specified departure date and a range of days preceding and/or following said specified departure date in order to allow a user to enter the level of flexibility in their plans, as taught in Keller Col. 3 lines 1-3).

34. As per Claim 18, Daughtrey teaches the method of claim 13 as described above. Daughtrey does not explicitly teach wherein the step of identifying one or more departure dates and one or more return dates includes receiving a specified return date and a range of days preceding and/or following said specified return date. Keller teaches, at step 105, the user may indicate whether her travel plans are flexible, such that the user may depart or return from one to three days before or after the entered travel dates. If the user's plans are flexible, the user will indicate whether the flexibility is respect to the date of departure or date of return, and will indicate the number of days either before or after the inputted date of travel. If the user is not flexible, the user will enter "not flexible" in the appropriate line on the web page (see Col. 3 lines 21-30). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Daughtrey to include wherein the step of identifying

one or more departure dates and one or more return dates includes receiving a specified departure date and a range of days preceding and/or following said specified departure date in order to allow a user to enter the level of flexibility in their plans, as taught in Keller Col. 3 lines 1-3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonya Joseph whose telephone number is 571-270-1361. The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays off.

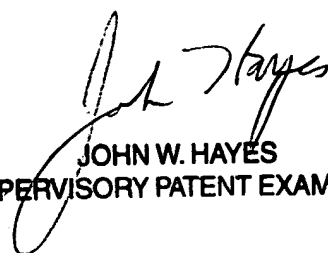
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Tonya Joseph
Examiner
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JOHN W. HAYES
SUPERVISORY PATENT EXAMINER